

**REMARKS/ARGUMENTS**

The Examiner's Action of January 5, 2005, has been received and reviewed by counsel for Assignee. In that Action claims 1-18 had been presented for examination, but claims 6-13 were withdrawn pursuant to a Restriction Requirement. Thus, claims 1-5 and 14-18 were examined.

All claims were rejected under 35 U.S.C. § 102(e) as anticipated by *DeKoning*, U.S. Patent 6,275,898. In addition, selected claims were rejected under 35 U.S.C. § 112 for reasons enumerated in the Action.

It is important to appreciate that *DeKoning* and Applicants are addressing different problems. The *DeKoning* reference is directed entirely at techniques for reallocating RAID levels within a storage system. In particular, as stated in *DeKoning* it is sometimes desirable to adjust a storage system's use of RAID management techniques in accordance with a particular application. For example, some applications may be better served with RAID level 1, while others with RAID level 5 management. (See, e.g., column 2, lines 38-47.) *DeKoning* teaches a technique for reallocating RAID logical units, or portions thereof, as the system determines. In particular, *DeKoning* teaches that the data on a particular disk may be changed from one RAID level to another.

In contrast, Applicants herein move data from disk to disk to achieve desired performance criteria. For example, as described in the specification at page 7, paragraph 30, a system performance parameter such as increasing the amount of disk space can be triggered automatically if the amount of available disk space drops below 20% of the specified capacity. If this occurs, then additional storage is allocated to the process, and data is moved from disk to disk as necessary to achieve the specified performance goal.

By this response counsel has canceled all pending claims and submits herewith new claims 19-27 which more particularly define the claimed invention. Each of the independent claims herein define a requirement for movement of data from one data storage area (a hard disk drive) to another when performance requirements are not met. This is in contrast to *DeKoning*'s characterizing the data on a particular drive as a different RAID level relying upon the mechanism described in that patent.

Applicants' new independent claims 19, 24 and 27 each call for movement of the data to additional storage devices when a particular performance requirement is not

satisfied. *DeKoning's* re-characterization of RAID levels may or may not improve system performance, depending upon the beginning and ending RAID level.

Accordingly, the claims are believed to patentably distinguish *DeKoning* as well as the other references.

To improve clarity and correct various informalities, a substitute specification accompanies this response.

In view of the foregoing, counsel for Assignee believes all claims now pending in this application are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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